

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:)
Thomas L. Barnhart *et al.*) Examiner: Not yet known
Serial No. 10/681,587) Group Art Unit: Not yet known
Filed: October 7, 2003)

For: HIDDEN IMAGE GAME PIECE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF THOMAS L. BARNHART

Thomas L. Barnhart, being over eighteen years of age, declare, depose and state the following:

1. My name is Thomas L. Barnhart. I am a marketing consultant and former Chief Executive Officer of Off2On.com. My business address is 3535 Peachtree Rd., Suite 520-336 Atlanta, GA 30326.
2. I am a co-inventor with Joel M. Brooks ("Brooks") of United States Patent No. 5,984,367 ("the '367 patent") entitled "Hidden Image Game Piece" and United States Patent No. 6,296,900 entitled "Method of Making Hidden Image Game Piece."
3. I am the sole inventor of United States Patent No. 6,629,888 ("the '888 patent") entitled "Hidden Image Game Piece."
4. I am also a co-inventor of United States Patent No. 5,401,032 entitled "Mystery Puzzle Game."
5. I have over 30 years in devising and implementing promotional and marketing strategies for a variety of companies. Beginning in 1975 thru the present I

have been involved in marketing services. A detailed qualification and employment history is attached.

6. I have reviewed the claims pending in application serial no. 10/681,587 referenced above. They appear to be virtually identical to those in my '888 patent. The invention claimed in the '888 patent, as well as that claimed in the present application, was conceived solely by me. Brooks did not conceive any of the claims of the subject application.

7. In fact, when I initially came up with the idea of using a hidden image game piece to increase website traffic, as disclosed for example in the '367 patent, which names Brooks as my co-inventor, I needed technical help on the proof of concept for the '367 application and I asked Joel Brooks to provide the technical expertise. Mr. Brooks, was at the time of the invention in the '367 patent, employed by Williams Printing, of Atlanta, Georgia. Williams was a preferred print vendor to my agency, Promotions Unlimited, and Mr. Brooks was the salesman of record on our account. To my knowledge, Brooks had no experience whatsoever in promotional or marketing techniques, but rather was experienced in printing techniques.

8. As I understand the claims in the present application (and those in the '888 patent), they are directed to a method for increasing website traffic using a computer, but do not specify the details of the printing techniques disclosed in the original '367 patent, from which application serial no. 10/681,587 claims priority. Consequently, I am the sole inventor of the claims in the present application.

9. The undersigned declares further that all statements herein of his own knowledge are true and all statements made on information and belief are believed to be

true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code.

Dated: July 28 05

By: Thomas L. Barnhart

Thomas L. Barnhart



THOMAS L. BARNHART

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SUMMARY OF QUALIFICATIONS

- Twenty-five years in the marketing service industry, with a focus on value added promotional strategies designed for short-term product lifts and consumer loyalty;
- Core competency includes expertise in consumer behavior and promotional gaming;
- Named inventor on four promotional game related U.S. patents with related patents applications pending (domestic and international);
- Expertise in multi-channel marketing, partner acquisition for multi-partner promotional programs, innovative concept development and promotional gaming architecture, and licensing;
- Specific expertise in using new media, the Internet and wireless devices, for promotional gaming, pioneering offline to online consumer promotion;

EMPLOYMENT HISTORY

2003 – Present *Private Consultancy*

Managing personal portfolio of interactive gaming related intellectual property (including licenses) and consulting with companies wanting a more interactive connection with consumers.

1992 – 2003 *President and Managing Partner Promotions Unlimited, Inc. (Off2On.com, Inc.)*

Conceived, developed, sold and executed consumer promotions with responsibilities to include:

- Game development through full promotional stewardship;
- Multi-partner participation;
- Client service;
- Legal (restrictions, rules & regulations, filings, winners' notification, etc.);
- Print production oversight, including security and game piece distribution;

Served a list of satisfied blue chip clients, including, among others: Hasbro (Parker Brothers, Milton Bradley, Nerf), Shell Oil, Kodak, Kraft General Foods, The Coca-Cola Company, Cendant, Turner, Cox Enterprises, Compaq, and Lee Jeans.

1991 – 1992 *Fulltime Contract Promotional Marketing Consultant Communicorps, Inc.*

Brought in and executed a five partner promotion for Coca-Cola, Burger King, K-Mart, Kodak and Duracell.

1987 – 1991 *Account Executive Responsible for New Business Selling Solutions, Inc.*

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1981 – 1987 *Account Executive Promotions & Merchandising, Inc.*

1980 – 1981 *Account Service & Sales Company [REDACTED] Management Marketing Systems*

1975 – 1980 *President BreakFast, Inc.*

1971 – 1974 *Sales AC Neilson, Inc.*

1969 – 1970 *Infantry U.S. Army*

EDUCATION

1968 *Bachelor of Arts in Philosophy St. Louis University*

CAREER HIGHLIGHTS

- Developed, sold and executed the first promotional mini-game as a value-added premium, the “Hip Pocket Edition of Pictionary” for Lee Jeans;
- Developed, sold and executed the first audio children’s fast food premium for Burger King, “Hanna Barbera’s Holiday Sing-Along” featuring the Flintstones and friends;
- Developed, sold and executed the most (at the time) promotional mini-games (27,000,000) distributed, with Trivial Pursuit for Shell Oil;
- Pioneered offline to online consumer interaction with the patented Interactive Decoder, the first gaming device used to migrate consumers to a sponsor’s website (a second generation of this product is in development to be compatible with a cell phone or wireless device).

Letters of Reference Available Upon Request

http://us.E526.mail.yahoo.com/ym/ShowLetter?box=Inbox&MsgId=9530_11451060_7862... 7/28/2005